

AB 341: A Fact Sheet for Local Government

- Fast Facts:**
- The 75% diversion rate is a statewide goal, not a local mandate on cities and counties.
 - Mandatory commercial recycling will go into effect July 1, 2012.
 - You **do not** need to adopt a local mandatory ordinance or enforce mandatory recycling.
 - You **do** need to make sure you have an education, outreach, and monitoring program that informs businesses of the state requirement to recycle and how they can recycle in your jurisdiction.
 - You **do** need to start implementing your education, outreach, and monitoring program by July 1, 2012, but you can phase in the components of your program.

The Basics

AB 341 does five things:

- 1) Sets a state-wide 75% waste diversion goal.
- 2) Requires mandatory commercial recycling by certain businesses and public entities.
- 3) Modifies the process of amending Non-Disposal Facility Elements.
- 4) Changes the due date of state agency annual reports.
- 5) Modifies enforcement agency notification requirements for modifications to a solid waste facility permit.

This fact sheet provides clarification on: 1) **the 75% diversion goal** and 2) **mandatory commercial recycling**.

The 75% Diversion Goal

AB 341 declares that it is the “policy goal” of the state to achieve 75% diversion by the year 2020. It also requires CalRecycle to provide a report to the Legislature by January 1, 2014 identifying strategies to achieve that goal.

AB 341 specifically says that CalRecycle shall not establish or enforce a diversion rate on a jurisdiction that exceeds the current 50% diversion rate.

Mandatory Commercial Recycling

CalRecycle is initiating a new rule-making process to implement the mandatory commercial recycling provisions of AB 341. CalRecycle has drafted regulations that clarify provisions in AB 341. The draft regulations are similar to those previously drafted under the AB 32 rule-making process.

Requirements

Affected generators: *Commercial businesses and public entities that generate 4 cubic yards or more of solid waste per week and multi-family complexes with 5 units or more* are subject to mandatory recycling, and are required to do one of the following:

- 1) Source separate recyclable materials from the solid waste they are discarding, and either self-haul or arrange for separate collection of the recyclables.
- 2) Subscribe to a service that includes mixed waste processing that yields diversion results comparable to source separation.

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Outreach & education: Jurisdictions must conduct education and outreach activities to inform the affected commercial generators of the mandatory recycling requirement and educate commercial generators about how they can recycle in the jurisdiction. The jurisdiction, haulers, other third parties, or any combination can perform the outreach and education activities.

Monitoring: Jurisdictions are required to assess whether affected generators are complying with the requirement to recycle. They are also required to identify and notify businesses that are not in compliance and inform them of the requirement to recycle and how they can recycle in the jurisdiction. The jurisdiction, haulers, other third parties, or any combination can conduct these activities.

Reporting: Jurisdictions will report on progress implementing their commercial recycling programs, including outreach, education, and monitoring efforts, as part of the existing CalRecycle annual report process, beginning with their 2012 annual report that is due in 2013. This reporting will include the jurisdiction's activities to educate businesses on the mandatory requirements, as well as the jurisdiction's efforts to track and monitor compliance on the part of businesses.

Other Key Information

- Jurisdictions that have an existing commercial recycling program that includes all of the elements listed above are not required to implement a new or expanded program.
- The State will not be taking enforcement action on businesses that do not comply with the requirements, nor will jurisdictions be required to enforce them.
- Jurisdictions may adopt more stringent local requirements (including enforcement provisions) if they wish.

Actions to Consider

- Evaluate your current commercial recycling and outreach program to see if you need to make changes to comply with AB 341.
- Create new tools or, where feasible, adapt existing tools (such as those developed by the Institute for Local Government) to educate businesses on the mandatory commercial recycling requirements, such as flyers, articles for Chamber of Commerce newsletters, bill inserts and press releases.
- Conduct outreach to businesses to educate them on mandatory recycling requirements, by conducting quick high-level "recycling blitzes" and by reaching out to business associations.
- Set up monitoring systems so your jurisdiction can demonstrate compliance with AB 341 in the annual reporting process. Evaluate and make modifications to existing hauler reporting, and create new tracking mechanisms if needed.

Contact Information

For more information, you can contact Richard Gertman at Cascadia Consulting at 408.249.0691 or Richard@cascadiaconsulting.com.